

Translation

PATENT COOPERATION TREATY

PCT/DE2003/001222



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|  |   |   |
|--|---|---|
| Applicant's or agent's file reference<br>PTR399WO  | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br>PCT/DE2003/001222   | International filing date ( <i>day/month/year</i> )<br>04 April 2003 (04.04.2003)   | Priority date ( <i>day/month/year</i> )<br>05 April 2002 (05.04.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>B60R 21/20 |   |   |
| Applicant<br>TAKATA-PETRI AG   |   |   |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br>04 November 2003 (04.11.2003) | Date of completion of this report<br>26 August 2004 (26.08.2004) |
| Name and mailing address of the IPEA/EP                           | Authorized officer   |
| Facsimile No.   | Telephone No.  |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/001222

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-25, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 2-38, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1, filed with the letter of 17 June 2004 (17.06.2004)
- ☒ the drawings:  
 pages 1/28-28/28, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-38 | YES |
|                               | Claims |      | NO  |
| Inventive step (IS)           | Claims | 1-38 | YES |
|                               | Claims |      | NO  |
| Industrial applicability (IA) | Claims | 1-38 | YES |
|                               | Claims |      | NO  |

**2. Citations and explanations**

This report makes reference to the following document:

D1: US5791682 A

Document D1, which is considered to represent the closest prior art, discloses (see column 3, line 41 - column 4, line 25; figures 2-4):

an airbag unit with a gas bag (13),  
a flat support element (21, figure 2) with a surface in front of which the gas bag (13) is arranged and an opening (19) for securing the gas bag (13) to the support element (21), and  
a retaining element (18, 35) which interacts with the support element (21) in order to secure the gas bag (13) to the support element (21),  
a section (27) of the gas bag (13) extending through the opening (19, figure 3) in the support element (21) to the other side of the support element (21), where it is held by the retaining element (18, 35) in front of the other surface of the support element (21),  
the dimensions of the opening (19) in the support element (21) and of the retaining element (18, 35) matching in such a way that the retaining element (18, 35), when it is

oriented in a first direction, can be passed through the opening (19), while a marginal region (37) of the opening (19) prevents the retaining element (18, 35) from passing through the opening (19) when the retaining element (18, 35) is oriented in at least one second direction.

The subject matter of claim 1 differs from the prior art in that the retaining element can be passed through the opening as a separate element, without the gas generator.

Problem addressed: to mount the gas bag on a support element in a reliable manner, independently of the gas generator, in order to eliminate a possible source of danger.

Solution: claim 1 solves this problem by means of a retaining element that can be passed through the opening as a separate element without the gas generator.

2. Dependent claims 2-38 are dependent on claim 1 and meet the PCT requirements for novelty and inventive step.

Claims 1-38 are industrially applicable.

3. Observation: dependent claim 28 is unclear when it is dependent on claim 26 ("both"). Moreover, dependent claim 31 is unclear because the "stabilising element (11)" is described as "passages (11)" in the description (see page 15) (PCT Article 6).

ART 34 ADPT

10/510091

New claims  
PTR399WO

- 26 -

PCT/DE03/01222  
6.16.2004

DT04 Rec'd PCT/PTO 05 OCT 2004

**Patent claims**

1. An airbag unit comprising
- 5 - an airbag (3),
- a flat supporting element (2), in front of whose one surface (21) the airbag (3) is arranged and which has an opening (20) for fixing the airbag (3) on the
- 10 supporting element (2), and
- a retaining element (1) which interacts with the supporting element (2) in order to fix the airbag (3) thereon,
- 15 one section (32) of the airbag (3) extending through the opening (20) of the supporting element (2) to the other side of the supporting element (2) and being retained there in front of the other surface (22) of the supporting element
- 20 (2) by means of the retaining element (1),

**characterized**

- in that the dimensions of the opening (20) of the supporting element (2), on the one hand, and of the retaining element (1), on the other hand, are coordinated with one another in such a manner that the retaining element (1) can be guided through the opening (20) in a first spatial orientation and an edge region of the opening (20) prevents the retaining element (1) from being
- 30 guided through in at least one second spatial orientation of the retaining element (1), and
- in that the retaining element (1) can be guided as a separate element without the gas generator (4) through the opening (20).
- 35 2. The airbag unit as claimed in claim 1, characterized in that the airbag section (32) holds the retaining element (1).